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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/829,347	04/09/2001	Thomas M. Stephany	82284SLP	1341

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EXAMINER
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AGGARWAL, YOGESH K

ART UNIT	PAPER NUMBER
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2615

DATE MAILED: 06/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/829,347	<b>Applicant(s)</b> STEPHANY ET AL.	
	<b>Examiner</b> Yogesh K. Aggarwal	<b>Art Unit</b> 2615	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 04 January 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 April 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

***Response to Arguments***

1. Applicant's arguments with respect to claims 1-17 have been considered but are moot in view of the new ground(s) of rejection.

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 2 and 4-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Windle (US Patent # 6,606,117) and in further view of White (US Patent # 5,734,794).

[Claim 1]

Windle teaches a camera 202 (figures 2-6) providing a list of templates (figure 3: 301) to be displayed on the LCD 203 (col. 6 lines 1-17). The digital still camera 202 is used in taking a picture of the subject matter 201 (figure 2), which is displayed on the LCD 203. After the template mode button 204 is pressed the subject can be framed by the template (col. 7 lines 24-31).

Windle specifically fail to teach that the digital still photographs can be used to generate animation. However White teaches that it is well known and used in the art to specially photograph a character from different camera angles and combine them to generate animated video sequence

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(col. 1 lines 66-67, col. 2 lines 1-22) in order to generate an automated system for producing high quality animation.

Therefore taking the combined teachings of Windle and White it would have been obvious to one skilled in the art at the time of the invention to generate an animation model as taught in White using the template alignment scheme of Windle in order to enable a user to generate an automated system for producing high quality animation as taught in White (col. 1 lines 60-63).

[Claim 2]

Windle teaches displaying the captured image on the image display and verifying the alignment of the template with the captured image (col. 7 lines 24-42) which is done prior to generating an animation model as taught by White (col. 2 lines 23-34).

[Claim 4]

Windle teaches a camera 202 (figures 2-6) providing a list of templates (landscape, pan-shot, portrait templates 301 as shown in figure 3) to be displayed on the LCD 203 (col. 6 lines 1-17).

The digital still camera 202 is used in taking a picture of the subject matter 201 (figure 2), which is displayed on the LCD 203. After the template mode button 204 is pressed the subject can be framed by the template (col. 7 lines 24-31).

Windle specifically fail to teach that the digital still photographs can be used to generate animation. However White teaches that it is well known and used in the art to specially photograph a character from different camera angles and combine them to generate animated video sequence (col. 1 lines 66-67, col. 2 lines 1-22).

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Therefore taking the combined teachings of Windle and White it would have been obvious to one skilled in the art at the time of the invention to have a template alignment scheme of Windle by capturing digital still photographs which can be used to generate animation as is taught in White. The benefit of doing so would be to provide a computer-based system and method for automated animation.

[Claim 5]

Windle teaches displaying the captured image on the image display and verifying the alignment of the template with the captured image (col. 7 lines 24-42) which is done prior to generating an animation model as taught by White (col. 2 lines 23-34).

[Claim 6]

White teaches a step of reviewing the animation model on the image display (col. 3 lines 14-16).

4. Claims 7-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Windle (US Patent # 6,606,117), Merrick et al. (US Patent # 6,433,784) and in further view of White (US Patent # 5,734,794).

[Claims 7 and 8]

Windle teaches a camera 202 (figures 2-6) providing a list of templates (landscape, pan-shot, portrait templates 301 as shown in figure 3) to be displayed on the LCD 203 (col. 6 lines 1-11).

The digital still camera 202 is used in taking a picture of the subject matter 201 (figure 2), which is displayed on the LCD 203. After the template mode button 204 is pressed the subject can be framed by the template (col. 7 lines 24-31).

Windle fails to teach second, third and fourth templates different from the first template wherein the first template representative of a front view of a subject, the second template representative of a first side view of the subject, the third template representative of a back view of the subject, and the fourth template representative of a second side view of the subject

However Merrick teaches different templates wherein the first template representative of a front view of a subject, the second template representative of a first side view of the subject, the third template representative of a back view of the subject, and the fourth template representative of a second side view of the subject being used for composite behavior generation (col. 8 lines 16-21, col. 12 lines 60-67, figures 1 and 3, col. 14 lines 1-7).

Therefore taking the combined teachings of Windle and Merrick, it would have been obvious to one skilled in the art at the time of the invention to have a second, third and fourth templates different from the first template being used for image alignment as taught in Windle and then used for generating an image of composite behavior as taught in Merrick.

Windle and Merrick specifically fail to teach that the digital still photographs can be used to generate animation. However White teaches that it is well known and used in the art to specially photograph a character from different camera angles and combine them to generate animated video sequence (col. 1 lines 66-67, col. 2 lines 1-22) in order to generate an automated system for producing high quality animation.

Therefore taking the combined teachings of Windle, Merrick and White it would have been obvious to one skilled in the art at the time of the invention to generate an animation model as taught in Merrick using the template alignment scheme of Windle by capturing digital still photographs which can be used to generate animation as is taught in White in order to enable a

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user to generate an automated system for producing high quality animation as taught in White (col. 1 lines 60-63).

[Claim 9]

Windle teaches displaying the captured image on the image display and verifying the alignment of the template with the captured image (col. 7 lines 24-42) i.e. the image display is adapted to display the captured image with any one of the templates.

[Claim 10]

Merrick teaches different kinds of templates of a person and the outline for the template is representative of the head of the person like face front, face left, face rear left (col. 12 lines 60-67, col. 13 lines 1-15).

[Claim 11]

Merrick teaches different types of templates (col. 12 lines 59-67, col. 13 lines 1-15) but suggests that other types of templates can be substituted in place of the ones suggested.

5. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Segan et al. (US Patent # 5,708,883) in view of White (US Patent # 5,734,794).

[Claim 3]

Segan et al. teaches a camera (figure 1: 10) having a viewfinder lens (figure 1: 11) and two taking lenses (figure 1: 12, 14). Segan further teaches a two-part reference alignment template 56a, 56b providing an outline through which the image seen in the camera's viewfinder lens 11 can be seen for more reliable alignment (col. 4 lines 11-20, figure 4).

Segan specifically fail to teach that the digital still photographs can be used to generate animation. However White teaches that it is well known and used in the art to specially photograph

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a character from different camera angles and combine them to generate animated video sequence (col. 1 lines 66-67, col. 2 lines 1-22) in order to generate an automated system for producing high quality animation.

Therefore taking the combined teachings of Segan and White it would have been obvious to one skilled in the art at the time of the invention to have a template alignment scheme of Segan by capturing photographs which can be used to generate animation as is taught in White in order to enable a user to generate an automated system for producing high quality animation as taught in White (col. 1 lines 60-63).

6. Claims 12-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Segan et al. (US Patent # 5,708,883) in view of Merrick (US Patent # 6,433,784).

[Claim 12]

Segan et al. teaches that it is well known and used in the art to have a camera (figure 1: 10) having a viewfinder lens (figure 1: 11) and two taking lenses (figure 1: 12, 14). Segan further teaches a two-part reference alignment template 56a, 56b different from each other providing an outline through which the image seen in the camera's viewfinder lens 11 can be seen for more reliable alignment (col. 4 lines 11-20). Further w.r.t the limitation of a rotating member Segan teaches a rotatable template member (figure 1: 16) for moving the first and second template member 56a, 56b relative to the two viewfinder taking lenses 12 and 14.

Segan teaches a two-part reference alignment member but fails to teach third and fourth template comprising an outline representative of a predetermined position. However Merrick teaches different templates (col. 12 lines 59-67) being used for composite behavior generation (col. 14 lines 1-7). Therefore taking the combined teachings of Segan and Merrick, it would have been

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obvious to one skilled in the art at the time of the invention to have a second, third and fourth templates different from the first template being used for image alignment as taught in Windle and then used for generating an image of composite behavior as taught in Merrick.

[Claim 13]

Merrick et al. teaches a method of generating an animation model (col. 3 lines 58-63), comprising an image display and displaying different templates like first, second, third and fourth templates in the image display (col. 12 lines 60-67, col. 13 lines 1-15, figure 3) wherein the first template representative of a front view of a subject, the second template representative of a first side view of the subject, the third template representative of a back view of the subject, and the fourth template representative of a second side view of the subject and generating an animation model with animation preparation application (figure 1: 100) using pre-produced characters preferably produced to a template-gesture for gesture and stored in character database 135 (col. 8 lines 16-21, col. 12 lines 60-67, figures 1 and 3).

[Claim 14]

Merrick teaches different kinds of templates of a person and the outline for the template is representative of the head of the person like face front, face left, face rear left (col. 12 lines 60-67, col. 13 lines 1-15).

[Claim 15]

Merrick teaches different types of templates (col. 12 lines 59-67, col. 13 lines 1-15) but suggests that other types of templates can be substituted in place of the ones suggested.

[Claim 16]

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Segan et al. teaches a rotating plate (figure 1: 16) being used as a template member comprising a first and second template (figure 4: 56a and 56b) wherein the first template is used as an outline of a front view of a subject. Segan et al. fails to teach a second template representative of a second side view of the subject and a third and fourth template representing back view and a second side view of the subject. However Merrick teaches different templates like face-front, face left and face rear-left (col. 12 lines 59-67) being used for composite behavior generation (col. 14 lines 1-7). Therefore taking the combined teachings of Segan and Merrick, it would have been obvious to one skilled in the art at the time of the invention to have a second, third and fourth templates different from the first template being used for image alignment and then used for generating an image of composite behavior as taught in Merrick.

[Claim 17]

Segan teaches a template member 16 (figure 1) attached to a camera 10, which inherently requires some kind of attaching means for attaching the template member to an image capture device.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yogesh K. Aggarwal whose telephone number is (571) 272-7360.

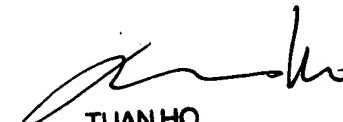
The examiner can normally be reached on M-F 9:00AM-5:30PM.

7. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Groody can be reached on (571) 272-7950. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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8. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

YKA  
May 23, 2005



TUAN HO  
PRIMARY EXAMINER